

REMARKS

Claims 1-33 are pending. Claims 1, 2, 4-13 and 15-33 are withdrawn. Claims 3 and 14 are rejected. Claims 34-36 are added.

Election/Restriction

Applicants note the Examiner's comments contained under paragraph 2-5 of this section regarding the election/restriction of originally filed claims 1-33.

Information Disclosure Statement

Applicants note with appreciation that in the Office Action, dated March 16, 2005, the Examiner acknowledges consideration of the Information Disclosure Statement submitted on February 9, 2004.

35 U.S.C. § 102

Claims 3 and 14 are rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Kaschel (U.S. 5,885,707). The Examiner states the following in support of the above rejection.

Kaschel teaches sealable laminated films (title) having an aluminized film layer (col. 6, lines 14-24; claim 6 of patent). The other layers of the film have the structure LDPE/LDPE/LDPE (col. 4, lines 30-36). The LDPE's may be metallocene catalyzed ethylenes (col. 4, lines 4-16). The films can be laminated to a wide variety of substrates to form packages for foods and pharmaceuticals (col. 6, lines 14-44). LDPE's are deemed to be thermoplastic.

With respect to the rejection under 35 U.S.C. § 102(b) as being anticipated by Kaschel, this rejection is respectfully traversed in view of the cancellation of claims 3 and 14, the addition of new claims 34-36 and for the reasons that follow.

Kaschel discloses a sealable laminated film having a sealant layer wherein the sealant layer comprises a MPE copolymer characterized as follows:

“polymerized with metallocene catalysts,
crystallite melting point less than 110° C., preferably less
than 105° C.,
melt index MFR from 0.5 to 10 g/10 min,
molecular weight distribution M_w/M_n less than 3, prefer-
ably less than 2.5.”

Kaschel also discloses that the sealing layer containing Kaschel specific MPE copolymer can be laminated to other films (please see examples and Table I of the disclosure). Accordingly, it is important to note that the film structures pointed out by the Examiner in support of her rejection are film structures in which the sealant layer is laminated to the other layers.

Applicants' invention as defined by new claims 34-36 is for a coextruded multilayer heat sealant structure comprising three coextruded layers having a first layer comprising a thermoplastic polymeric material, a second layer comprising low density polyethylene having a melt index lower than the melt index of the single site catalyze and a third layer comprising a single site catalyzed polyethylene having a melt index above 10. Therefore, in Applicants' invention, the sealant structures comprises three coextruded layers wherein the melt index of the second layer must be lower than the melt index of the third layer. These features are not found in Kaschel's disclosure.

In summary, Kaschel discloses a single layer sealant comprising a MPE copolymer having a melt flow index of below 10/10 min wherein said sealant layer is laminated to other film layers in order to produce a multilayer film structure and wherein no relationship between the melt flow index of the resin sealant layer and the melt flow index of the resin of

the layer adjacent the sealant layer is required. In contrast to Applicants' invention having a three-layer coextruded structure wherein the single site catalyzed polyethylene of the sealant layer has a melt index above 10 and the LDPE of the second layer has a melt index lower than the melt index of the sealant layer.

Claims 3 and 14 are rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Kong (U.S. 6,248,442).

With respect to the rejection under 35 U.S.C. §102(b), as being anticipated by Kong, this rejection is respectfully traversed in view of the cancellation of claims 3 and 4, the addition of new claims 34-36 and for the reasons that follow.

Kong discloses a multilayer film comprising a core layer of LLDPE and at least one skin layer having a melting point of at least 10° C below the melting point of the core layer.

Applicants' invention, as defined by new claims 34-36, is for a three-layer coextruded structure wherein the melt index of the third layer is above 10 and the melt index of the second layer is lower than the melt index of the third layer. No such feature is disclosed in Kong. In contrast, Kong discloses a relationship based on the differences between the melting points of the core layer and the skin layers.

Claims 3 and 14 are rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Bailey (US02/0071922A1).

With respect to the rejection to the rejection under 35 U.S.C. §102(b) as being anticipated by Bailey, this rejection is respectfully traversed in view of the cancellation of claims 3 and 14, the addition of new claims 34-36 and for the reasons that follow.

Bailey discloses a two-ply laminate having two webs wherein the second web comprises a metallized layer, barrier layer and sealing layer for the production of flexible

containers. Since Bailey fails to disclose the specific elements of Applicants' invention that have been recited earlier in this response, Bailey does not anticipate Applicants' invention.

Citation of Interest

Applicants note Su (U.S. 6,844,078) which was cited by the Examiner.

New Claims

Applicants have added new claims 34-36. Claims 34 and 35 incorporated the subject matter of original claims 3 and 14, respectively. Claims 34 and 35 also include features of Applicants' invention that were not present in original claims 3 and 14 but are supported in the specification at page 9, line 5 and page 10, line 3 where the melt indexes of the second and third layers of Applicants' multilayer coextruded film structure are discussed. Claim 36 addresses a method of preparing the film structure of new claim 34.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' agent so that the same may be resolved and the application expedited to issue. Applicants request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

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